UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/C/SR.1246
8 June 1994

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Forty-eighth session

SUMMARY RECORD OF THE 1246th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 July 1993, at 10 a.m.

Chairman: Mr. ANDO

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GE.93-17429 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Egypt (continued) (CCPR/C/51/Add.7; HRI/CORE/1/Add.19; M/CCPR/93/21, document without a symbol, English only)

1. At the invitation of the Chairman, the delegation of Egypt took a place at the Committee table.

2. The CHAIRMAN noted that members of the Committee had concluded their observations on sections II and III of the list of issues (M/CCPR/93/21) and invited the Egyptian delegation to respond.

3. Mr. KHALIL (Egypt) thanked members of the Committee for giving him the opportunity, through their questions and their comments, to provide further information on a number of points. He would respond first of all to questions relating to the death sentence, terrorism and prison conditions.

4. Under Egyptian criminal law, the death penalty could be applied only in certain specific cases, but the court was by no means obliged to pronounce the death penalty: it could always choose another form of punishment. In practice, the death penalty was pronounced in three contexts: firstly, for aggravated homicide, considered particularly horrifying because of the number of victims, the methods used or the consequences; second, for drug trafficking; and third, for kidnapping followed by rape. The fact that drug trafficking was a particularly serious offence deserving of a particularly severe penalty could not be disputed, and the conference held at Vienna in 1988, which had adopted the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, had confirmed that fact. As for the third crime entailing the death penalty, it was a fact that rape always elicited a strong reaction among the population and it was therefore important to punish the guilty parties very severely.

5. It must be understood that the death penalty was not pronounced lightly in Egypt. First of all, the judges had to be unanimous. Then, even if the condemned person did not appeal the verdict of his own accord, it had to be reviewed by the court of appeals, which ensured that the law and all the judicial safeguards were respected. The court checked into whether the accused person had received a proper legal defence, through a lawyer appointed by the court if necessary, and whether the defence had played its role properly. If the court determined that that had not been the case, the verdict was overruled.

6. Under a law promulgated in 1992, after the elaboration of the second periodic report, and the text of which had been made available to the Committee, the crime of terrorism had been added to crimes entailing the death penalty. The suffering and destruction resulting from acts of terrorism in Egypt and elsewhere was considerable, and the response must be of a measure with the effects of terrorist acts. Under article 86 of the new law, terrorism was defined as any use of force, violence, threats or intimidation in the execution of a criminal plan, whether individual or collective;

the definition also covered acts aimed at jeopardizing the physical integrity of the population or endangering the life or security of individuals, as well as acts designed to destroy the environment or communications, undermine the functioning of public services or obstruct the application of the Constitution or the law. Those criteria were used for guidance by the courts responsible for trying terrorism cases. Making use of the exceptional powers conferred upon him by the law on states of emergency, the President of the Republic referred to military courts only those individuals who were suspects in terrorism cases. Terrorism was an abnormal phenomenon which must be countered by special treatment. The Supreme Constitutional Court had decreed that the exceptional powers conferred on the President of the Republic authorized him to refer to military courts individuals accused of terrorism. Such courts respected all judicial safeguards, including the right to present a defence. Their decisions were subject to monitoring under a procedure equivalent to that of an appeal which was carried out by judges with specialized and certified competence.

7. Torture had long constituted a criminal offence punishable by a heavy penalty; the Egyptian Criminal Code equated torture with murder if the victim subsequently died. It would be useless to pretend that torture did not exist, human nature being what it was. But such crimes were severely punished in Egypt. Torture was one of the offences for which there was no prescription. Confessions obtained under duress or under torture were regarded as null and void, in accordance with the Covenant. They were not taken into account during a trial and, if no other evidence had been obtained, the accused was acquitted and the prosecutor's office pursued the investigation. Any complaint about torture submitted to the prosecutor's office was referred to the judicial authorities following an investigation; the same was true if the offence was uncovered during the prosecution of a separate case. A criminal court made up of three high-level judges had jurisdiction over cases of torture. In 1988, the public prosecutor had instituted proceedings against 44 police officers after a court had established that acts of torture had been committed. Such examples revealed the Egyptian Government's commitment to meting out appropriate punishment to those responsible for acts of torture. The Constitution provided that the State paid compensation to victims, and the State also made sure that victims received medical care.

8. With respect to prison conditions, all necessary measures were taken to ensure that they conformed to the Standard Minimum Rules for the Treatment of Prisoners. Sentences were served in various establishments, depending on the nature of the offence and the severity of the sentence. Prisoners underwent a medical check-up upon arrival in the penitentiary and were subsequently given regular check-ups by specialized physicians. They had access to education. They could receive visitors and mail. The health of detained persons was taken into consideration: it was against the regulations to force prisoners who were over a certain age or were in ill health to work. Prison conditions were the subject of constant surveillance exercised by the public prosecutor, whose representatives could make unannounced visits to check on possible violations of the law. Judges were likewise entitled to visit prisons if they received complaints from detainees. A prisoner was never subjected to punishment more rigorous than called for by his sentence. Sentences were

always carried out in the appropriate penitentiaries, and there were no other types of detention centres. Incarceration of an individual in a facility that was not provided for by the law constituted an offence.

9. Solitary confinement was a disciplinary measure adopted in case of disturbances in the prison or refusal to obey orders. Detainees subjected to that measure had the right to lodge protests against it.

10. Provisional or pre-trial detention was a measure applied, in accordance with the law, when the suspect would be subject to incarceration if he or she were found guilty. The objective was to ensure that the investigation proceeded smoothly by guaranteeing that all the evidence was preserved and that the accused duly appeared before the courts. The arrest warrant handed down by the public prosecutor was valid for only four days following the arrest. If the public prosecutor decided to extend the pre-trial detention period, he referred the case to a judge responsible for summary procedures. Pre-trial detention periods could be extended several times, for 45 days each time, with the total length of detention not to exceed 6 months. If the detention period was not so extended, the suspect must either be brought before the competent court or released, with or without bail. That process was intended to ensure that the suspect benefited at all times from the guarantees provided for by the law. Any individual detained in conformity with the laws on the state of emergency enjoyed the same guarantees as those provided for in the standard legislation. The Supreme Constitutional Court had stated, in a decree dated 2 January 1993, that some of the legislative provisions relating to treatment of suspects were unconstitutional, basing its decision on the principle of presumption of innocence and reaffirming that the guilt of any suspect must be proved according to the law.

11. The legislation on young offenders and juvenile courts had been elaborated in full conformity with the international instruments on the treatment of minors. Some sentences could not be imposed on juveniles under 15 years of age, and any juvenile found guilty of an offence could be placed in a medical or psychiatric institution if the court deemed that the minor's physical state or living conditions justified such a measure. Children's judges were entitled to check up on the implementation of sentences and request the lightening or modification of the penalties imposed if such a measure was justified by the physical and mental progress of the minor. Juvenile courts were made up of a president, three judges chosen from the highest echelons of the magistracy and three eminent individuals, but their decisions were adopted on the basis of a majority of votes cast by the judges alone. Those decisions could be appealed before a higher court, thereby offering further guarantees of due process. Cases submitted to juvenile courts generally involved illegal acquisition of funds and drug trafficking.

12. On the subject of legal aid, the Constitution and legislation of Egypt stipulated that the State was required to provide the services of a legal counsel free of charge to individuals who did not have sufficient financial resources. The legal counsel did not simply engage in formalities like seeking to have a sentence reduced: if appointed ex officio, he was responsible for enforcing the right to present a defence, and if that

obligation was not fulfilled, the verdict handed down by the court could be declared null and void and give rise to an appeal to a higher court on the ground of violation of the right of defence.

13. The penalty of forced labour which could be imposed by Egyptian courts could in no way be equated with cruel or inhuman treatment. It simply involved obliging an individual found guilty of a crime to do work in mines or agricultural holdings, for example, in conformity with the legislation on labour and the regulations applicable in penal institutions.

14. Finally, in conformity with the Code of Criminal Procedure, a death penalty pronounced in absentia became null and void if an individual who had been declared guilty appeared of his own accord before the court.

15. Mr. AGUILAR URBINA said that he would like to have information on the definition of acts regarded as criminal acts under the new Terrorism Act. Since individuals found guilty of violating that Act were liable to incur the death penalty, the Egyptian legislator had been obliged to base himself on precise definitions before empowering courts to take decisions with such potentially serious repercussions.

16. Mr. KHALIL (Egypt) said that the concept of a terrorist act could naturally vary depending on the circumstances prevailing in a particular country. Under Egyptian law an act of terrorism was defined as an act aimed at inciting people to break the law or undermining the individual liberties guaranteed by the Constitution. Nevertheless, any decision that a particular action constituted a terrorist act was still subject to review by the courts. The relevant provisions included those contained in article 86 bis of Act No. 97/1992 concerning terrorism. The Egyptian delegation was unable to provide detailed comments on those provisions in the time available, but would be able to transmit the article in question to the Committee together with the observations of the Egyptian Government.

17. The CHAIRMAN thanked the Egyptian delegation for its willingness to transmit the text of the article in question to the Committee, and invited the Egyptian delegation to reply to questions contained in section IV of the "List of issues to be taken up in connection with the consideration of the second periodic report of Egypt", which was as follows:

> "IV. Non-discrimination, equality of the sexes, freedom of religion, expression, assembly and association, political rights and rights of persons belonging to minorities (arts. 2 (1), 3, 26, 18, 19, 21, 22, 25 and 27)
>
> (a) Please provide information on laws and practice giving effect to the provisions of articles 2 (1) and 26 of the Covenant.
>
> (b) Please clarify the statement, contained on page 40 of annex II of the report, that the State undertakes to reconcile the duties of women towards their families with their work in society and that Egyptian legislation protects and safeguards the civil and political rights of women 'in a manner consistent with their nature'.

(c) Please provide further information, including relevant statistical data, concerning the participation of women in the political and economic life of the country.

(d) Please clarify the conditions under which a child may acquire Egyptian nationality through its mother or father in the event they are married to foreigners.

(e) Please provide information on the law and practice relating to the employment of minors.

(f) Please provide information concerning the law and practice relating to permissible interference with the right to privacy.

(g) Please comment on the main differences, if any, in the status of Islam and other religious denominations. Have there been any cases of discrimination against non-Muslim believers and, if so, what measures have been taken to prevent the recurrence of such acts?

(h) What controls are exercised on the freedom of the press and mass media?

(i) What are the restrictions on the exercise of the freedom of expression as guaranteed by article 19 of the Covenant?

(j) Please provide information on laws and practices concerning public meetings.

(k) Please provide information on the existence and functioning of associations and trade unions.

(l) Please provide information on measures taken by the authorities to implement article 27 of the Covenant.

18. Mr. KHALIL (Egypt) said that, with regard to non-discrimination and sexual equality, the Egyptian Constitution and laws guaranteed full equal rights for men and women. Labour legislation included provisions guaranteeing equal opportunity in employment for women, without any discrimination. The legislation also included provisions prohibiting the employment of women in work likely to be harmful for their health or morals, and the Penal Code also laid down special penalties for crimes against women. Under the law, women were entitled to special maternity leave and to other advantages to enable them to care for small children and maintain family ties.

19. The special protection accorded to the family by the State was rooted in the unique status of the family in Eastern societies, and especially Egypt. The State had a duty to provide women with the means of reconciling their family responsibilities and their work in society (section IV (b)), and the Egyptian State authorities had accordingly established crèches and health centres for mothers and children.

20. On the subject of the participation of women in the political and economic life of the country (section IV (c)), women in Egypt had the same political, social and economic rights as men: they had access to education, to employment in the public and private sectors, and even to senior posts in ministries, the diplomatic service and the judiciary. There were also women in the armed forces and the police. They had the same rights under law in matters of remuneration and safeguards. The fact that they enjoyed certain privileges was because of their responsibilities as mothers. Egypt had acceded to all the international conventions on equal rights for women and non-discrimination and there was no discrepancy between the Egyptian Constitution and the provisions of those conventions.

21. As to the nationality of children (section IV (d)), the Egyptian legislator had been guided by the concern, when drafting legislation on that question, to ensure that individuals could not be deprived of a nationality or hold dual nationality, and to reunite members of one family. He had thus been motivated by the doctrines of jus sanguinis and jus soli. A mother could pass on her nationality to her children if the father had no nationality or if it had not been possible legally to determine the child's paternity. An Egyptian woman who married a foreigner was required to obtain permission before acquiring her husband's nationality, but was allowed to retain her own. The legislation in question was being reviewed and a bill had been drafted which would allow a mother to pass on her nationality to her children.

22. With regard to section IV (e) and the information concerning laws and practice relating to the employment of minors, in view of the large number of people who start to work at an early age, the Egyptian legislator had introduced provisions for supervision measures and for training for such workers. A new Employment Act had raised the minimum age at which minors could be employed to 15 years. Egypt had been one of the first countries to sign the Convention on the Rights of the Child and the Committee on the Rights of the Child had paid a tribute to it for its activities in that area.

23. Laws and practice concerning the protection of privacy (section IV (f)) was based on the following principles: violation of privacy was an offence under the Egyptian Penal Code and privacy was protected by the same guarantees as the right not to be subjected to torture.

24. Under section IV (g), information had been requested on the main differences, if any, between the status of Islam and that of other religious faiths, as well as details of any cases of discrimination against non-Muslims and, if so, any measures which had been taken to prevent the recurrence of such acts. All religions were held in high esteem in Egypt, and the legislator had included all the necessary guarantees to ensure freedom of religion and to punish any act which undermined that freedom. Those guarantees applied to all religions and not just Islam. Any attack on places of worship was an offence punishable by law. Egyptian legislation did not establish any discrimination on grounds of religion other than that relating to the personal status of individuals, that is, in the area of marriage and the family, which was governed by the precepts of each religion.

25. Replying to the question in section IV (h) concerning controls exercised on the freedom of the press and media, he said that a constitutional amendment

which had entered into force in 1980, conferred certain guarantees on the press to enable it to carry out its activities, including the freedom to obtain information. The media enjoyed freedom of expression, in conformity with article 19 of the Covenant, subject to the restrictions envisaged by the Covenant (section IV (i)). Laws and practice concerning public meetings (section IV (j)) were also subject to restrictions in accordance with the Constitution.

26. He said that those rights and liberties could give rise to review by the administrative authorities in that the latter were called upon to issue authorizations. Under Egyptian law, any administrative decision could be appealed before the Council of State: any individual who considered himself to have been injured by an administrative decision could request its modification or annulment of that decision, or apply for compensation. Many administrative decisions had indeed been annulled through rulings delivered under the Covenant.

27. Turning to section IV (k), which concerned the existence and functioning of associations and trade unions, he said that Act No. 100 of 1992 made provision, inter alia, for the organization of elections to the various governing bodies of trade unions by means of democratic procedures, to enable all union members to express their views. Those elections were supervised by the judicial authorities with a view to ensuring that they were fair.

28. Lastly, the final issue in the section concerned article 27 of the Covenant, namely, the case of States in which there were minorities. Egypt was not familiar with the phenomenon of minorities: all Egyptians were equal before the law and no group could be regarded as constituting a minority. Egyptians were united by virtue of belonging to one nation, irrespective of their religious affiliation or any other consideration. Those were the explanations which his delegation had wished to give.

29. The CHAIRMAN invited the members of the Committee to put any questions they might wish on section IV of the list of issues to be taken up in connection with the consideration of the second periodic report of Egypt (M/CCPR/93/21).

30. Mr. SADI referred to certain articles of the Covenant which were not covered by the list of issues. With regard to article 12, he noted that according to annex II of the periodic report of Egypt (CCPR/C/51/Add.7, p. 61), "the Minister of the Interior may, for significant reasons that he deems justifiable, refuse to issue or renew a passport, or withdraw it after it has been delivered (art. 11)". He would like to know what were the "significant reasons" which the Minister of the Interior might deem justifiable. In addition, with regard to article 13 of the Covenant, he wished to know if the deportation order referred to in Act No. 89 of 1960 could give rise to an appeal by the individual concerned (p. 63 of the periodic report).

31. With regard to article 16 of the Covenant, it was interesting to note that according to the Egyptian Civil Code legal personality began at birth and ended at death and that a foetus also had legally recognized rights (p. 74 of the report). He wondered how far those recognized rights influenced the

legislation relating to abortion. With regard to article 19, he pointed out that under the terms of the Publications Act No. 20 of 1936, the Council of Ministers might prohibit the circulation in Egypt of publications which "excite passions" (p. 79 of the report). What was meant by that?

32. Lastly, with regard to the equality of spouses before the law, there appeared to be a distinction between men and women in the matter of the transmission of nationality. He hoped that future legislation would eliminate that discrimination.

33. Mr. HERNDL, referring first to article 22 of the Covenant and the right to form trade unions, asked whether new Act No. 100 of 1992 governing trade union elections amended former Act No. 35 of 1976, itself amended in 1981, which had established a single trade union system; if not, he wondered whether the system was compatible with article 22. Concerning Act No. 137 of 1981, its stipulation that any provision of a collective agreement threatening the country's interests was null and void constituted a severe restriction of the right to bargain collectively.

34. Article 25 of the Covenant concerned the right to take part in the conduct of public affairs and to be represented by political parties. In that connection, he would like to know whether the Political Parties Act No. 40 of 1979 (p. 93 of the periodic report), which prohibited the creation of political parties with aims contrary to Islam and socialism, was still in force and how it could be reconciled with the provisions of article 25 of the Covenant. Furthermore, by virtue of Presidential Decision No. 217, a person whose political opinions were contrary to divine law could not be employed in the civil service. Was that provision compatible with article 25?

35. Article 26 of the Covenant set forth the principle of the equality of all persons before the law and, when read in conjunction with article 6 of the Covenant, which protected the right to life, prompted some thoughts about the place of Islam in Egyptian society. Under the Egyptian Code of Criminal Procedure (p. 49 of the report), a death sentence could be imposed only after seeking the opinion of the Mufti of the Republic; that provision, in his view, clearly illustrated the weight of Islam in Egyptian society.

36. Article 27 of the Covenant, concerning minorities, was largely ignored in the periodic report. The only reference to it was in annex II (p. 96), which read: "Egypt has not promulgated any special legislation concerning minorities, which do not exist in Egyptian territory. Legal protection of religions is provided for under the terms of the Constitution and the law, as already indicated.". The Egyptian delegation had just stated, moreover, that no population group in Egypt constituted a minority. The question had already been addressed during the consideration of Egypt's initial report in 1984. At that time the Egyptian delegation had replied that the implementation of article 27 raised no problem in Egypt, where the minorities were an integral part of society, and had cited the example of the Nubians, a large ethnic minority in southern Egypt who spoke Arabic.

37. For his part, he thought that there could well be religious minorities in Egypt, as evidenced by the existence of the Copts, who regarded themselves as a religious and cultural minority. He would like to know whether steps had

been taken to prevent discrimination against the Copts, who did not appear to be adequately protected by the State against acts of violence by Muslim fundamentalists, who at times had gone so far as to kill Christians. Implicit in article 27 was the idea that measures could be taken to protect minorities, their cultural life and even their survival. It was in the interest of societies where there were different population groups to take steps to help them, as the Committee had explained on a number of occasions to States parties which denied the existence of minorities in their territory.

38. Mrs. EVATT observed that article 40 of the Egyptian Constitution did not refer to a number of the grounds for discrimination prohibited under article 26 of the Covenant, especially race, colour and political opinion. How, in those circumstances, was the right to equality and non-discrimination guaranteed for all citizens? In particular, it would seem that the Baha'is continued to be subjected to discriminatory measures: non-recognition of their marriages, dissolution of their organizations and prohibition of their publications. What steps had the Egyptian authorities taken to ensure that the right of the Baha'is to equality was protected?

39. The question of the equality of women in Egyptian society had already been raised by other members of the Committee and she merely wished to point out that equal rights did not appear to be guaranteed by the law in a number of fields. Egypt had, furthermore, entered a number of reservations when acceding to the Convention on the Elimination of All Forms of Discrimination against Women. Specifically, women's right to divorce appeared to be more limited than that of men; women could not obtain a passport without the agreement of their spouse, or of their father if they were under 21 years of age, and female adultery was punished more severely than male adultery. She was pleased, however, to learn that laws were being considered to enable women to transmit their nationality to their children. She wondered, in addition, whether genital mutilation of women was still practised and what steps had been taken by the authorities in that regard. Concerning women's participation in public affairs, she would like to know to what extent women took part in the country's political life, and in particular how they were represented in Parliament. Could they exercise judicial functions? Lastly, were the national authorities encouraging studies of the Shariah so as to identify areas in which the provisions of the Covenant were not being respected and to remedy that situation?

40. The right to freedom of association, recognized in article 22 of the Covenant, was covered by several provisions of the Egyptian Constitution. However, the report (CCPR/C/51/Add.7) did not mention Act No. 32 of 1964, which governed the formation of associations and gave the Ministry for Social Affairs the power to supervise the formation and registration of associations. That Ministry could apparently appoint the director of an association and reject any candidature. Such a provision would be contrary to the right to freedom of association guaranteed by the Covenant. In general, freedom of association and opinion were essential for democracy, and the possibility of expressing and exchanging unpopular opinions was essential for respecting democracy. In that regard, several non-governmental human rights organizations appeared to have been denied the necessary authorization by the Government and therefore were not legally recognized. In particular,

the Arab Women Solidarity Association had reportedly been dissolved in 1991, after publishing articles on various political and religious issues, and its property confiscated. She would like to know in what way that association's activities could have presented a danger to public order.

41. In addition, a new law passed in December 1992 made it an offence to form associations whose purpose was to change the Constitution or legislation. Would the mere fact of suggesting amendments to make legislation compatible with the Covenant constitute a violation of the law in question? How was that law compatible with the Covenant? Equally worrying was the existence of other laws that deprived certain people of the enjoyment of their political rights. Some of those laws had already been declared unconstitutional, as indicated in paragraphs 24, 25 and 30 of the report (CCPR/C/51/Add.7), and that was certainly another sign of the integrity and independence of the judiciary in Egypt. However, the question remained as to how the laws restricting the enjoyment of political rights which had not been declared unconstitutional were compatible with article 19 and the other provisions of the Covenant.

42. Mr. PRADO VALLEJO said that the Penal Code appeared to prohibit religious propaganda aimed at attacking the foundations of society. He would welcome confirmation of that by the Egyptian delegation and would like to know what was meant by "foundations of society".

43. Concerning the civil registration of marriages, it would seem that marriages between persons whose religion was neither Islam, Christianity nor Judaism could not be formally registered in Egypt. The question was whether that did not constitute discrimination on religious grounds. He was concerned about what happened to marriages between persons not belonging to one of the three religions recognized by the State. In particular, it seemed that Baha'i marriages were not recognized, and he would like to know for what reason. Concerning the registration of births, it seemed that only children born of a legitimate marriage could be included in the register. What exactly was meant by legitimate marriage? Did it mean that children born of parents who were not Muslims could not be included in the civil register? The Juveniles Act, referred to in paragraph 141 of the report (CCPR/C/51/Add.7), did not permit any distinction or discrimination among juveniles on the ground of religion. However, a number of questions remained, in particular regarding Baha'i children. To what extent was the law and practice in that area compatible with the provisions of the Covenant?

44. With regard to the issuance of travel documents, the Ministry of the Interior could apparently refuse to provide a citizen with a passport for major reasons. What exactly did that mean and what forms of recourse were available in the event of refusal for such reasons?

45. Act No. 430 of 1955 permitted censorship of artistic works in order to protect public order and security. In his view, works of art should not be subjected to censorship of any kind, and he was therefore concerned by the existence of such a law. How could a work of art endanger public order and safety? And in what way was Act No. 430 compatible with the provisions of the Covenant? He would appreciate some clarification on all those points.

46. A law of 1978 enabled the authorities to prohibit certain persons from joining a political party, supposedly to ensure social harmony. In particular, persons accused - but not necessarily convicted - of an offence could thus be barred from joining a political party. How should that provision be interpreted and what was its scope? The question was an important one and he would appreciate some explanations from the Egyptian delegation in that regard.

47. Mr. MAVROMMATIS, associating himself with the questions raised by Mrs. Evatt, said it was very important to bear in mind that the Constitution and legislation of States parties must include provisions unambiguously prohibiting all forms of discrimination. Article 40 of the Egyptian Constitution, however, failed to mention a number of the grounds for discrimination referred to in article 26 of the Covenant. He found no trace of them in the national legislation, either, and would therefore like to know whether there were judicial decisions or other measures taken by the authorities referring specifically to those grounds and giving them equal status with the others prohibited by the Constitution and the law.

48. Furthermore, it was stated in the report (CCPR/C/51/Add.7) that under article 40 of the Constitution all citizens were equal before the law and in regard to their public rights and duties (see para. 16 (a)). What was the situation regarding private rights, and why had such a distinction been made? Lastly, how had that distinction been interpreted by the courts?

49. With regard to religious matters, Egypt distinguished between monotheist and other religions. There also appeared to be a distinction between believing and practising a religion. The freedom to have a religion was guaranteed, but not the freedom to manifest it. The Committee had clearly reaffirmed that a State party could not distinguish between religions, whether minority, newly established or other religions; furthermore, the right to practise the religion of one's choice was an integral part of the freedom of religion. The Committee's new general comment on article 18 of the Covenant would undoubtedly be of great value for the Egyptian authorities and help them to conform better with the provisions of the Covenant.

50. Concerning article 22 of the Covenant, he was not satisfied with the explanations provided by the Egyptian delegation, which had said that the new provisions regarding the election of trade unionists had been introduced to democratize the process. Indeed, a number of professional associations, such as those representing lawyers, doctors, engineers and journalists, had organized strikes to protest against the provisions in question, and it was difficult to imagine those organizations opposing efforts towards democratization. He would therefore be grateful for further information in that regard.

51. Concerning the implementation of article 11 of the Covenant, he felt that the information in the report (CCPR/C/51/Add.7) was insufficient, and would appreciate more details on that point.

52. Lastly, regarding article 27 of the Covenant, he associated himself with the questions raised by other members of the Committee.

53. Mrs. HIGGINS said that she shared the concerns of Mr. Prado Vallejo and Mr. Mavrommatis regarding freedom of religion. Egypt was certainly well known for its religious tolerance, and Islam, Christianity and Judaism had always enjoyed the protection of the Egyptian authorities. Nevertheless, freedom of religion also meant that all individuals had the right to choose their own religion. Was that right fully guaranteed in Egypt? Furthermore, it was not for States to define religions. In that regard, the Buddhists, Baha'is and members of sects of more recent origin had the right to protection under article 18 of the Covenant. That same article recognized the freedom to manifest one's religion. However, as already indicated, it would seem that freedom of belief was guaranteed by the Egyptian Constitution, but not freedom to manifest one's religion. The Supreme Court had, in addition, rendered a decision along those lines which had been applied to members of the Baha'i community. The freedom to adopt the religion of one's choice also implied the freedom to change one's religion. Some denominations, particularly the Baha'is, were apparently being discriminated against in that regard. The Supreme Court had reportedly declared that the Baha'i faith constituted a deviation from Islam, or a kind of apostasy, and its followers could therefore be deprived of the protection to which they were entitled. Such a measure was incompatible with the provisions of article 18 of the Covenant. Furthermore, apostasy appeared to be regarded as a threat to public order and therefore subject to the limitations allowed by article 18, paragraph 3, of the Covenant. However, for those limitations to be applicable, the religion in question had to constitute an objective threat to public order, which was not the case with the Baha'is, who were not engaging in violent activities or organizing large and disorderly gatherings and did not advocate violence. In general, it would be particularly dangerous for a State to affirm that an individual disagreeing with the authorities constituted a threat to public order and that his rights could therefore be restricted. The Baha'i community, furthermore, appeared to be subjected to other forms of discrimination, particularly in so far as the registration of marriages was concerned.

54. In conclusion, she would like to know whether the Egyptian authorities planned to change the legislation concerning the various aspects of freedom of religion which had been mentioned. She would like account to be taken, in that regard, of the Committee's questions and observations and also of the new general comment on article 18 of the Covenant, which was now being finalized by the Committee, and she hoped that the Egyptian authorities would see to it that law and practice were in conformity with that article.

55. Mr. FODOR associated himself with the questions raised by Mrs. Evatt and Mr. Mavrommatis. In particular, he would like to know why both article 40 of the Constitution and the Penal Code omitted a number of the grounds of discrimination prohibited by the Covenant.

56. Furthermore, the Juveniles Act No. 31 of 1974 provided that when an order was issued for a juvenile to be placed in the custody of a person or a body, anyone other than the said juvenile's parents, grandparents or spouse who concealed him, encouraged him to abscond or helped him to do so was punishable by imprisonment. Why were adoptive parents and legal guardians not among the persons exempted?

57. Concerning the right to privacy, it was stated in paragraph 84 (d) of the report (CCPR/C/51/Add.7) that violation of the privacy of citizens by eavesdropping or the employment of any photographic device without the consent of the person concerned and any use or threat to use or divulge the information acquired in that manner without the consent of the person concerned were designated as punishable offences under the Penal Code. Those provisions were said to be consistent with article 1 of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. He would like some clarification as to the meaning of paragraph 84 (d); in particular, he could not see any obvious relationship between eavesdropping and war crimes.

58. Under article 206 of the Code of Criminal Procedure, it was not permitted to seize letters or telegrams, tap telephones or record meetings unless that would help to uncover the truth and solely in cases involving offences punishable by more than three months' imprisonment. Those restrictions clearly applied to any suspect and to any offence. The length of the punishment incurred (three months at least) to his mind constituted an extremely low threshold.

59. With regard to freedom of religion, what measures had been taken by the Government to prevent further violence against Christians, strengthen the protection of the Copts and in general put an end to discriminatory practices in that regard? Lastly, he would like to know the exact status of non-revealed religions in Egypt, especially the Baha'i faith.

60. Mr. AGUILAR URBINA associated himself with the concerns of Mrs. Higgins, especially regarding the Baha'is. A 1992 law provided that, if public order was threatened, the religious authorities could be prevented from exercising their activities. What was the exact meaning of that provision and, in particular, what consequences might it have for the Baha'is given that a person could be treated as a terrorist simply for belonging to the Baha'i community, and was thus liable to punishment on that account?

61. A number of acts enumerated in paragraph 62 of the report (CCPR/C/51/Add.7) were punishable by terms of imprisonment, in violation of the provisions of the Covenant. In particular, it was stated in that paragraph that the printing or publication of scriptures revered by members of a religious community in such a way as to distort and alter the meaning of the text of those scriptures was punishable under the terms of several articles of the Egyptian Penal Code. What was to be understood by the phrase "the meaning of the text"? Could members of the Baha'i community, who were apparently regarded as apostates, be accused of altering or distorting the meaning of religious scriptures, and what exactly were the scriptures to which reference was made?

62. He would also appreciate some clarification regarding the death penalty in Egypt. The Egyptian delegation had stated that the mufti was sometimes called upon to decide whether or not the penalty should be applied. However, a mufti was a religious authority, belonging to one particular

religion, Islam. How, in those conditions, was the prohibition of all forms of discrimination guaranteed when the person convicted was not a Muslim? And in general, what protection was enjoyed in that respect by the followers of non-revealed religions?

63. The CHAIRMAN invited the members of the Committee to continue the consideration of the second periodic report of Egypt (CCPR/C/51/Add.7) at a later meeting.

64. The delegation of Egypt withdrew.

The meeting rose at 1 p.m.